

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

ROBERT HARRINGTON, et al.,

Plaintiffs

v.

DELTA AIR LINES, INC., et al.,

Defendants.

Civil Action No.
04-12558-NMG

**THE DOMESTIC DEFENDANTS' MOTION TO DISMISS THE AMENDED
COMPLAINT PURSUANT TO FED. R. CIV. P. 12(b)(6)**

Defendants Delta Air Lines, Inc., American Airlines, Inc., Northwest Airlines, Inc., Alaska Airlines, Inc., Continental Airlines, Inc., Southwest Airlines Co., Airlines Reporting Corp., and Air Transport Association of America, Inc. (collectively the "Domestic Defendants") hereby move to dismiss the Plaintiffs' Amended Complaint, Jury Claim, and Request for Class Certification (the "Amended Complaint") pursuant to Fed. R. Civ. P. 12(b)(6).

As grounds for their motion, the Domestic Defendants state that dismissal is proper because the Plaintiffs' claims are expressly preempted and barred by federal law and, as a matter of state law, the Plaintiffs have failed to state a claim as to each of the separate counts alleged in the Amended Complaint.

WHEREFORE, the Domestic Defendants respectfully request that the Amended Complaint be dismissed pursuant to Fed. R. Civ. P. 12(b)(6), and for such other and further relief as this Court deems just and proper.

DECHERT LLP

By: 

Matthew A. Porter, BBO #630625

Michael S. Shin, BBO # 658134

200 Clarendon Street, 27th Floor

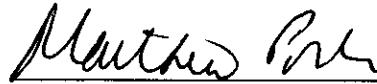
Boston, MA 02116

(617) 728-7100

Attorneys for Delta Air Lines, Inc.,
American Airlines, Inc., Northwest Airlines,
Inc., Alaska Airlines, Inc., Continental
Airlines, Inc., Southwest Airlines Co.,
Airlines Reporting Corp., and
Air Transport Association of America, Inc.

LOCAL RULE 7.1(A)(2) CERTIFICATION

I certify that counsel for ATA attempted in good faith to resolve the issues presented in this Motion with counsel for the Plaintiffs but was unable to do so.



Matthew A. Porter

July 15, 2005